

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISION**

**WILBERT MALBROUX, JR. : DOCKET NO. 11-0421**

**VS. : JUDGE TRIMBLE**

**AMERICAN MEDICAL SYSTEMS : MAGISTRATE JUDGE KAY  
INC. and DR. JAMES J. JANCUSKA**

**REPORT & RECOMMENDATION**

On this same date this court issued a Memorandum Order denying plaintiffs' Motion to Remand [Doc. 9]. In that order we determined that the plaintiff herein has not established a cause of action against Dr. James. J. Jancuska. In light of that conclusion and for reasons stated in the Memorandum Order, it is recommended that defendant Dr. James. J. Jancuska be **DISMISSED**.

Under the provisions of 28 U.S.C. Section 636(b)(1)(C) and Rule 72(b), parties aggrieved by this recommendation have fourteen (14) days from service of this report and recommendation to file specific, written objections with the Clerk of Court. A party may respond to another party's objections within fourteen days after being served with a copy of any objections or response to the District judge at the time of filing.

Failure to file written objections to the proposed factual findings and/or the proposed legal conclusions reflected in this Report and Recommendation within fourteen (14) days following the date of its service, or within the time frame authorized by Fed. R. Civ. Proc. 6(b),

shall bar an aggrieved party from attacking either the factual findings or the legal conclusions accepted by the District Court, except upon grounds of plain error. *See Douglass v. United Services Automobile Association*, 79 F.3d 1415 (5th Cir. 1996).

**THUS DONE AND SIGNED** in Chambers at Lake Charles, Louisiana, on May 31, 2011.

A handwritten signature in black ink, appearing to read 'Kathleen Kay', is written over a horizontal line. The signature is stylized with a large 'K' and a long, sweeping tail.

KATHLEEN KAY  
UNITED STATES MAGISTRATE JUDGE